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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

RIMINI STREET, INC., a Nevada corporation;
 Plaintiff,
 v.
 ORACLE INTERNATIONAL CORPORATION,
 a California corporation,
 Defendant.

ORACLE AMERICA, INC., a Delaware
 corporation, *et al.*,
 Counterclaimants,
 v.
 RIMINI STREET, INC., a Nevada corporation, *et al.*,
 Counterdefendants.

Case No 2:14-cv-01699 LRH PAL

**ORACLE'S MEMORANDUM OF
 POINTS AND AUTHORITIES IN
 RESPONSE TO COURT ORDER
 (DKT. 201) AND IN SUPPORT OF
 MOTION TO SEAL (DKT. 155)**

Pursuant to the Court's April 7, 2016 Order, Dkt. 201, Defendant and Counterclaimant Oracle International Corporation and Counterclaimant Oracle America Inc. ("Oracle") submit this Memorandum of Points and Authorities in support of Rimini Street, Inc.'s ("Rimini") Motion to Seal Exhibit 7 to the Declaration of Ryan Dykal ("Exhibit 7"). Dkts. 155, 157-1. Exhibit 7 is an excerpt of Oracle's Initial Disclosures that includes a description of Oracle's damages claims in this case and a chart listing 264 Oracle employees with potentially discoverable information. Oracle requests that the Court seal only the *employee names* on the Oracle employee list contained in Exhibit 7. Oracle had previously designated the list of Oracle employees as "Highly Confidential Information -- Attorneys' Eyes Only" pursuant to Local Rule 16.1-4. Oracle does not seek to seal the descriptions of its damages claims and other information that accompanies the list of its employees.¹

Discovery materials that are attached to non-dispositive filings can be sealed from the public record upon a showing of "good cause." Dkt. 201 at 3; *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). "For good cause to exist, the party seeking protection bears the burden of showing that specific prejudice or harm will result if the materials are not filed under seal." *Selling Source, LLC v. Red River Ventures, LLC*, No. 2:09-cv-01491, 2011 WL 1630338, at *1 (D. Nev. Apr. 29, 2011).

Good cause supports sealing the 264 employee names contained in Exhibit 7 because it contains competitively sensitive non-public information² about Oracle. The chart of 264 employees, and the descriptions of their job responsibilities contained in the "Subject" column of the chart, could be used by other companies, including Rimini, to contact or solicit Oracle's employees. Indeed, Rimini has hired numerous employees directly from Oracle over the years, including for example, Nancy Lyskawa. Jindal Decl. Ex. B (Rimini website profile of Lyskawa). Disclosure of the Oracle employee list would make those efforts unfairly easier for Rimini and

¹ Accordingly, attached as Exhibit A to the Declaration of Nitin Jindal in Support of Oracle's Memorandum of Points and Authorities ("Jindal Decl.") is a version of the exhibit that redacts only the information Oracle seeks to seal and that can be filed publicly. Oracle has also redacted five Rimini customer names on Exhibit A that Oracle understands were not relevant to Rimini's use of the exhibit and that Oracle believes to be considered confidential by Rimini.

² Although individual employees might publicly disclose their employment status (*e.g.*, on LinkedIn.com), a list this large is not publicly available. Jindal Decl. ¶ 4.

1 other companies, to Oracle’s direct competitive disadvantage. *Spectrum Pharm., Inc. v. Sandoz*
 2 *Inc.*, No. 2:12-cv-00111, 2014 WL 4202540, at *2 (D. Nev. Aug. 21, 2014) (finding good cause
 3 to seal exhibits, the disclosure of which “could injure the parties’ competitive posture”);
 4 *Hologram USA, Inc. v. Pulse Evolution Corp.*, No. 2:14-cv-00772, 2015 WL 105793, at *2 (D.
 5 Nev. Jan. 7, 2015) (same); *Scott v. Snelling & Snelling, Inc.*, 732 F. Supp. 1034, 1045 (N.D. Cal.
 6 1990) (employee lists “may derive some independent economic value by containing special
 7 information such as the employees’ skills and preferences which cannot be developed through
 8 resort to public sources”); *Clark v. Metropolitan Life Ins. Co.*, No. 3:08-cv-00158, 2010 WL
 9 1006823, *1 (D. Nev. Mar. 16, 2010) (sealing information that would reveal party’s
 10 “confidential” information about its “organization” and “capabilities”).

11 As non-parties to the lawsuit, Oracle’s employees also have a privacy interest in
 12 maintaining the confidentiality of their identities. CAL. CONST. ART. 1 SECT. 1 (“All people ...
 13 have inalienable rights. Among these are . . . pursuing and obtaining . . . privacy.”); *Ochoa v.*
 14 *McDonald’s Corp.*, No. 14-cv-02098, 2015 WL 3545921, at *2 (N.D. Cal. June 5, 2015)
 15 (granting motion to seal list of employees “for privacy reasons” where employees were “not
 16 parties to this lawsuit and have not consented to the public disclosure of their personal
 17 information related to their employment”); *Williams v. Chrysler Fin. Corp.*, 1999 WL 221119, at
 18 *3 n.2 (E.D. La. Apr. 9, 1999) (acknowledging that documents were properly “filed under seal
 19 subject to a protective order to ensure the confidentiality of the employees’ names”); *cf. In re*
 20 *Adobe Sys., Inc. Sec. Litig.*, 141 F.R.D. 155, 163 (N.D. Cal. 1992) (upholding confidentiality
 21 designation of employee names).

22 Finally, Oracle’s request is narrowly tailored. Oracle has proposed targeted redactions
 23 that allow meaningful information to be available to the public.

24 For these reasons, good cause supports sealing the 264 employee names contained in
 25 Exhibit 7.

DATED: April 15, 2016

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Thomas S. Hixson
Thomas S. Hixson
Attorneys for Counterclaimant Oracle America,
Inc. and Defendant and Counterclaimant Oracle
International Corporation

CERTIFICATE OF SERVICE

I certify that on April 15, 2016, I electronically transmitted the foregoing
MEMORANDUM OF POINTS AND AUTHORITIES IN RESPONSE TO COURT ORDER
(DKT. 201) AND IN SUPPORT OF MOTION TO SEAL (DKT. 155) to the Clerk's Office
using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all
counsel in this matter; all counsel are CM/ECF registrants.

Dated: April 15, 2016

Morgan, Lewis & Bockius LLP

By: /s/ Thomas S. Hixson
Thomas S. Hixson

Attorneys for Counterclaimant
Oracle America, Inc. and
Defendant and Counterclaimant
Oracle International Corporation